

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4478/2018

Sanjay Ambadas Wadal Vs. The State of Maharashtra through Principal Secretary, Tribal
Development Deptt. Mumbai and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri A.S.Dhore, Advocate for petitioner.
 Ms. Shamsi Haider, Assistant Government Pleader for respondent nos. 1
 and 2.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : March 04, 2020.

Rule. Heard finally considering the short issue
involved.

The caste claim of the petitioner of belonging to “ Koli
Mahadev” has been invalidated by the order dated 30.10.2016.

Inter-alia, it is submitted that though the Vigilance Cell
submitted two reports dated 01.01.2007 and 01.01.2009 to the
Scrutiny Committee, the petitioner did not have proper
opportunity to respond to the same and contest the proceedings.
Further after the second report dated 01.01.2009 was submitted,
the Scrutiny Committee decided the proceedings after about seven
years. The address at which the impugned order was sent was not
the address where the petitioner was residing.

We have perused the documents on record and we
have heard the learned counsel for the parties. It is seen that the
initial report of the Vigilance Cell is dated 01.01.2007 after which
another report dated 01.01.2009 was placed before the Scrutiny
Committee. Copy of the report however was not supplied to the
petitioner who was serving at Mumbai. The impugned order also
indicates that the copy thereof was sent to a different address

though the petitioner by his communication dated 09.07.2007 had furnished his correct address. It is therefore found necessary to have a fresh adjudication of the proceedings after giving due opportunity to the petitioner.

Hence for the aforesaid purpose, the order dated 30.10.2016 passed by the Scrutiny Committee is set aside. The petitioner shall appear before the Scrutiny Committee on **23.03.2020** to enable fresh adjudication of the proceedings. The Scrutiny Committee shall decide the same within a period of six months from that date. Till the proceedings are decided, services of the petitioner shall remain protected.

Rule accordingly. No costs.

JUDGE

JUDGE

Andurkar..